colored races; (2) In order to secure separate accommodation for the respective races in sleeping cars, express legislative enactment will be necessary, because the courts will not make this extension in the construction of a statute which is general in its terms.

STATES—ADJUSTMENT OF PUBLIC DEBT BETWEEN VIRGINIA AND WEST VIRGINIA.—Virginia filed a bill in the Supreme Court of the United States, seeking an adjustment of the amount due from West Virginia as the equitable proportion of the public debt of the original State of Virginia that was assumed by West Virginia at the time of its creation as a State. Without putting its judgment into the form of a final decree, the court *held,* that the ratio should be determined according to the valuation of the real and personal property of the two States on the date of their separation, excluding slaves, and subject to the further qualification that the difference between Virginia's share on this ratio and the amount that her creditors were content to accept from her should be deducted from the sum to be apportioned. *Commonwealth of Virginia* v. *State of West Virginia* (1911), 31 Sup. Ct. 330.

The grounds of Virginia's claim are matters of public history. After the Virginia ordinance of secession, citizens of the part that became West Virginia organized a government that was recognized by the government of the United States as the State of Virginia, being called the "restored State." Then followed the Wheeling Convention, and the Wheeling Ordinance, looking to the formation of a new State. § 9 of the Wheeling Ordinance provided that West Virginia's share of the old debt should be ascertained by charging to it all State expenditures within the limits thereof and a just proportion of the ordinary expenses of the State Government since any part of the said debt was contracted, deducting, however, the money paid into the State Treasury by the West Virginia portion of the old State during that same period. Art. 8, § 8 of the Constitution adopted by West Virginia provided that an "equitable proportion" of the public debt of the Commonwealth of Virginia prior to January 1, 1861, should be assumed by West Virginia and that the legislature should ascertain the same as soon as possible and provide for the liquidation thereof. An act of the legislature of the so-called restored State of Virginia, passed May 13, 1862, gave the consent of that legislature to the erection of the new State, "under the provisions set forth in the Constitution for the said State of West Virginia." Finally, Congress gave its sanction by an act of Dec. 31, 1862, chap. 6, 12 Stat. at L. 633. All three—Congress, Virginia and West Virginia—had to consent to conform to Art. IV, § 3 of the U. S. Constitution. Their three respective documents, together, constituted a contract between the old State and the new (*Va.* v. *W. Va.,* 11 Wall. 39). Nor was it modified or affected by the preliminary suggestions of the Wheeling Ordinance, which was not mentioned in any of the other documents. The whole amount of the old debt on Jan. 1, 1861, was found by the master to have been $33,897,073.82, being represented largely by interest bearing bonds. Adopting the ratio of the value of the real and personal property of the two States on June 20, 1863, the date of separation, that is, Virginia, $300,887,367.74 and West Virginia, $92,416,021.65, Virginia's

share would be .7651, or $25,931,261.47. But her creditors were content to accept $3,333,212.26 less than that amount. Subtracting the last sum from the total debt leaves $30,563,861.56 as the sum to be apportioned. Taking .235 as representing the proportion of West Virginia, we have $7,182,507.46, as her share of the principal debt. For examples of apportionment of debts according to the value of the property set off to each part in cases of a division of municipal corporation, see 1 SMITH, MOD. LAW OF MUN. CORP., § 467; *Canova* v. *State,* 18 Fla. 512; *Brewis* v. *Duluth,* 3 McCrary, 219; *Ackley* v. *Vilas,* 79 Wis. 157, 48 N. W. 257; *Board* v. *Board,* 62 Miss. 325. The figures given by the Court were merely provisional, however, to be finally arranged, along with other questions, such as interest, by a conference between the parties, the Court expressing a hope that the matter would be speedily settled outside of court, since this was no ordinary commercial suit, but rather a quasi international controversy, referred to the Supreme Court in reliance upon the honor and Constitutional obligations of the States concerned, rather than in reliance upon ordinary remedies.

TORTS—PERSONAL RIGHTS—RIGHT OF PRIVACY.—Plaintiff, an infant five years old, by next friend, brought an action for damages against defendants, jewelry merchants, for publishing his picture without his consent for the purpose of advertising their business. *Held,* that one has the exclusive right to his picture as a property right of material profit, and may sue at law for damages for the invasion of the right. *Munden* v. *Harris et al.* (1911), — Mo. App. —, 134 S. W. 1076.

That there is a right of privacy of which the law will take notice, and that the privilege and capacity to exercise that right is a thing of value—is property—is the view taken by the Missouri court, and it finds ample support in the following cases: *Edison* v. *Edison Mfg. Co.,* 73 N. J. Eq. 136, 67 Atl. 392; *Pavesich* v. *New Eng. Life Ins. Co.,* 122 Ga. 190, 50 S. E. 68, 69 L. R. A. 101, 106 Am. St. Rep. 104; *Foster-Milburn Co.* v. *Chinn,* 134 Ky. 424, 120 S. W. 364. The existence of a "right of privacy" has been denied, however, in *Roberson* v. *Rochester Folding Box Co.,* 171 N. Y. 538, 64 N. E. 442, 59 L. R. A. 478, 89 Am. St. Rep. 828; *Henry* v. *Cherry & Webb,* 30 R. I. 13, 73 Atl. 97, 24 L. R. A. (N. S.) 991, and *Atkinson* v. *Doherty & Co.,* 121 Mich. 372, 80 N. W. 285, 46 L. R. A. 219, 80 Am. St. Rep. 507. The argument that there is such a right was first advanced in 1890 in an article in 4 HARV. L. REV. 193. Cases involving the question have been passed upon by the courts of several states, and, as indicated above, "authority" is still pretty evenly divided. The Missouri court in the principal case does not rest its decision wholly upon the right of privacy or of "inviolate personality," but upon the further ground that the exclusive right to one's picture is a property right of value. In this it is supported by the holding of the court in *Edison* v. *Edison Mfg. Co.,* supra, but that any property right is involved in such a case is denied by the Michigan Supreme Court in *Atkinson* v. *Doherty & Co.,* supra. The questions raised in the principal case are discussed at length, and the decisions reviewed, in 3 MICH. L. REV. 559, 24 L. R. A. (N. S.) 991, and 2 AM. & ENG. ANN. CASES, 561.